

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 449

HOUSE BILL NO. 1477

**By Representatives Montgomery, Dunn, Sargent, Haynes, Harry Brooks,
Yokley, Winningham, Litz, Swafford, Sherry Jones, Pruitt, Moore, Gilmore,
Mike Turner, Evans**

Substituted for: Senate Bill No. 2064

By Senators Overbey, Haynes, Yager, Burchett, Henry, Finney, Stewart, Faulk,
Ketron, Barnes, Beavers, Berke, Black, Bunch, Burks, Crowe, Ford, Gresham,
Harper, Herron, Jackson, Johnson, Kyle, Marrero, McNally, Norris, Southerland,
Stanley, Tate, Tracy, Watson, Woodson and Mr. Speaker Ramsey

AN ACT to designate the TBI headquarters building as the "Arzo Carson TBI State Office Building" and to name Arzo Carson "TBI Director Emeritus".

WHEREAS, when Governor Lamar Alexander was elected to his first four-year term of office, there was an expressed recognition by the membership of the legislature and judiciary that the state of Tennessee did not have in place or in the law a functionary of government which could and would successfully and completely investigate any crime, no matter how complicated by the facts and without being unfavorably influenced by private or public interests; and

WHEREAS, the governor being of the same understanding and intention as the legislative membership decided to select and appoint a person to assist the executive and legislative divisions of government to study and determine the needs of the state and kinds of laws to be enacted to create an appropriate unit of government with the specialized professional personnel and facilities to discover and investigate any and all crime and do such other related matters which the legislature would authorize and direct; and

WHEREAS, Governor Alexander sought advice and recommendation from citizens, members of the legislature, law enforcement officers, district attorneys, judges, and members of the judiciary; and

WHEREAS, the governor selected Arzo Carson, Navy veteran of World War II, graduate of a business college and the University of Tennessee with Bachelor of Science and Doctor of Jurisprudence degrees, graduate of the National College of District Attorneys, successful senior trial attorney of the law firm of Carson and Wilson, twice-elected and serving district attorney general, widely known to personally prosecute the full range of criminal cases ranging from misdemeanors to murder and particularly white collar crimes of public officials, never being influenced by political or special interests of anyone while fully respecting the lawful rights of everyone to achieve justice; and

WHEREAS, District Attorney General Arzo Carson resigned his important constitutional office of District Attorney and was commissioned by Governor Alexander to fill a position in the department of safety to study the existing structure of criminal investigation in Tennessee and make recommendations to the governor and legislators for the enactment of a law to create a permanent comprehensive criminal investigation functionary of government for Tennessee to achieve the goals and high expectations of the legislature, executive and Judiciary while carefully complying with the laws, procedures and rules of the judicial division of government; and

WHEREAS, Director Carson interviewed appropriate people within and without government, determined the existing status of investigation of criminal conduct and the existing status of facilities, personnel and capabilities of the State to respond to the current needs of the state and made an extensive report thereof to the Governor; and

WHEREAS, Director Carson, working with a committee, drafted the major parts of a proposed act creating the Tennessee Bureau of Investigation which was formally considered in and by the legislative process and enacted into law and signed by Governor Alexander on March 27, 1980, in the presence of many members of both political parties of the legislature, members of the executive and judicial divisions of government, and other interested persons, particularly the Tennessee press; and

WHEREAS, the law mostly drafted by General Carson contained unique provisions to establish an independent department of government, requiring participation of the legislative, executive and judicial (district attorneys) in the selection of the director by the governor, assuring a well qualified director without political allegiance or other encumbrances, for a definite term of office of six (6) years, subject to removal only by the judiciary for misconduct; discretion to make decisions as to investigations to prevent abuse of its powers; reports of case investigations to the district attorneys or other agencies authorized to request its actions; subpoena powers, administration of oaths to require witnesses to give truthful evidence, confidentiality to protect witnesses, and the discretion to submit a completed case file to a grand jury when and if the district attorney failed to do so; and

WHEREAS, when General Carson was administered the oath of office as Director of the Tennessee Bureau of Investigation, Governor Alexander publicly stated to Director Carson, "You and TBI are free to investigate any and all crimes and persons including a governor if ever necessary;" and

WHEREAS, Director Carson, with an extensive and broad experience in criminal investigation commencing while in the U. S. Navy by performing work in support of a judge advocate general's office, followed as district attorney in personally working directly with law enforcement officers and prosecuting all kinds of cases, brought a vision to the Tennessee Bureau of Investigation that all crime is a calculated deviation from and attack upon the lawful conduct and actions of a liberated and constantly changing people, industry, and government which can only be successfully addressed by criminal investigation using professional people first educated at the college level in all of the major studies and disciplines likewise underpinning the foundations and activities of our ever changing people, industry and government, with additional education and training, who would be further trained in standard law enforcement and the special logic and techniques of criminal investigations and removed from every undesirable

influence or actions of others, thereby freeing and encouraging every agent to perform to his or her maximum ability; and

WHEREAS, Director Carson selected and commissioned pursuant to the TBI law forensic experts in fields and disciplines such as anthropology, pathology, DNA, and computer science, and developed a unique intelligence system which superimposed automated facilities thereon capable of rapid change in response to particular and changing issues and functions, such as the automated fingerprint computer purchased with money obtained in gambling investigations, application of DNA scientific technology, blood alcohol determination, forensic services, and criminal histories, for dissemination to any and all local, state, national and international agencies upon the condition of lawfully authorized need-to-know; and

WHEREAS, the agents, personnel, and professional consultants of the Bureau, both retired and existing, desire that the work and service over eleven (11) years of Director Carson in creating this most unique, nationally respected and admired, effective, and independent department of the Tennessee Bureau of Investigation, foreseen and enacted by the legislature and governor, be continued as a most valuable part of the TBI unit of government for the people, industry and government, and to that end be embedded and archived within the history and continuing education and training activities of all personnel and as a constant reminder of the unique features, expectations, high performance, and integrity of the Bureau to prevent the future weakening of its purpose and powers; and

WHEREAS, over the years as Director Carson pursued his vision to achieve the mandates of the TBI law, its work in response to criminal conduct, including the detection and response to unknown major public corruption, white collar crimes, conspiracies, and interaction with local, state, national and international agencies, was extensively reported locally and nationally with the Bureau being recognized as one of the premier investigation bureaus in our nation and resulting in Director Carson being selected for and graduated from the FBI National Academy in Executive Law Enforcement Management, and was by invitation only selected to join such law enforcement agencies as ALTEC (worldwide terrorism), SEARCH (technology and forensic science applied to international criminal conduct) and ASCIA (Association of State Criminal Investigation Bureaus) of which he was president, and to participate and share his understanding, vision, and response to national and international crime in such criminal conduct as public corruption, conspiracies, and terrorism, and which now is a source of education, motivation, inspiration, determination and legacy goal for the Bureau and its personnel to maintain reflecting the wisdom of the executive and legislature in enacting this special TBI law; and

WHEREAS, the personnel of the Bureau, citizens and law enforcement personnel actively continue to associate Director Carson with the uniqueness and power of the TBI and believe that his continuing identification with the Bureau will be essential as a reminder of the duty of TBI personnel to protect the Bureau, follow and meet its high standards, and vindicate the foresight and action of the legislature and executive in the creation of TBI; and

WHEREAS, upon retirement Director Carson stated that he would always remain available to respond to requests of the future TBI directors for consultation as a professional person as authorized by the TBI charter; now, therefore

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Notwithstanding any provision of law to the contrary, the official State of Tennessee building now located at 901 R. S. Gass Boulevard, Nashville, Tennessee, the same being the headquarters of the Tennessee Bureau of Investigation, is hereby designated as the "Arzo Carson TBI State Office Building".

SECTION 2. Signs designating the building described in Section 1 as the "Arzo Carson TBI State Office Building" shall only be erected upon the earliest of the following events:

(1) At the time such signs are scheduled for regular replacement in accordance with the regular replacement schedule; or

(2) Upon payment from non-state funds of the estimated cost of the manufacture and installation of such signs. Such payment shall be made prior to any expenditure by the state for the manufacture or installation of such signs. The department of finance and administration shall return any unused portion of the estimated cost to the person or entity paying for such signs within thirty (30) days of the erection of such signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in such costs shall be remitted to the department in non-state funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

SECTION 3. Arzo Carson, retired first Director of the Tennessee Bureau of Investigation, is hereby conferred the honorary title of "TBI Director Emeritus."

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: June 8, 2009



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 23rd day of June 2009



PHIL BREDESEN, GOVERNOR